

Montana Chapter-American Physical Therapy Association

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LEGISLATION & LABOR

EXHIBIT NO. 16

DATE 3-23-11

BILL NO. HB 334

Testimony on HB 334 – Senate Hearing – 3/23/11

MAPTA's over 500 members initially supported HB 334 because we strongly believe that premium costs need to be reduced and we support a more efficient system that can provide quality care, facilitate return to work, and be done at a reasonable cost.

As presented, without amendments, MAPTA now OPPOSES HB 334. Three areas are of major concern to us.

1. Section 9. 39-71-704 (3) (a). We oppose the amended language and prefer the original language which states "guidelines established by the department are correct medical treatment for the injured worker". By their very design guidelines are evidence based, provide standard guidance to all providers, and have sufficient flexibility in them to account for difficult cases. The proposed amended language appears to allow the insurers to "limit" care based on cost and not on evidence or case specific conditions.
2. Section 15, 39-71-1101 (1) through (3). If any and all "health care providers" as defined 39-71-116 (14), are allowed to treat injured workers we believe it is critical that all **apply the adopted Utilization and Treatment Guidelines** as the accepted standard of care. This should be a responsibility of all providers and should be stated as such.
3. As Defined on page 31, Lines 4-8, **SAW/RTW services require a team.** The team includes, minimally, Physicians, Physical Therapists, Certified Rehabilitation Counselors, Employer and Employee. HB 334 includes only the "rehab provider" (a certified rehab counselor) and the "insurer" (page 34, lines 8-12) as providing these services. Neither the "rehab provider" nor the "insurer" is able to provide every component of RTW/SAW services. It takes a team. **HB 334 language needs to state that all of these providers are not prohibited from performing any part of RTW/SAW services through the normal course of care.**

MAPTA supports legislation that provides for quality care by qualified professionals who facilitate early return to work, and do so at a reasonable cost. The role of physical therapists in the workers compensation system is, and can be more, instrumental in accomplishing these goals. HB334, as written, requires appropriate amendments to clarify language and put procedures in place to allow health care providers to do the work necessary provide the right balance.

Without amendments we are concerned that confusion will prevail and more barriers to a cost effective workers compensation system will continue.